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man presenting his request for a gun licence, or for permission to go to Southern Rhodesia, or to move to another village, or whatever it may be, is told first to bring a letter from his chief in support of his request and it will then be considered. Thus the approval of the chief is necessary for a variety of enterprises.

A chief may decide not to support a request for a variety of reasons. He does not want to recommend to the Administration projects which will turn out unfavourably, and yet he does not want to oppose unnecessarily the wishes of his people who may begin to drift away into other counties or to Southern Rhodesia if they feel he is being unfair to them. Many of these requests from his people are handled by the court clerk who has custody of the rubber stamps, without whose imprint no letter looks official. Other councillors and advisers may also help with these requests, and may advise the chief, in the light of their own interests and of their estimate of the public interests, on whether or not to support a request. There is thus opportunity for a friend of the chief to block rivals and enemies by seeing that their requests do not go forward. Men who are thwarted in this way can appeal to the Administration, and may perhaps be granted their request. Such action, however, is likely to increase the antagonism of the Native Authority towards them, and in so far as they have defied the authority of the chief by appealing against his decision, they may be censured by their neighbours. Thus what they gain in one respect may be offset by what they lose in another. When the quarrel between a councillor and a man who is, say, trying to open a shop in his village is of long standing and with faults and undisclosed offences on both sides, it may be unwise to risk the whole matter being brought to the notice of the Administration by an appeal over the matter of the shop.

In other situations, where the Administration endeavours to intervene in some matter in which the chief is thought to be dilatory, the Native Authority may shield a man because of the danger of possible repercussions. Thus, for instance, a District Officer on tour found a man living in a village at which he was not registered. He turned the offender over to the Native Court. The offender had a perfectly good defence but his story would have involved reference to incest by an important person and it was therefore undesirable that the District Officer should hear of the matter. Accordingly the Court delayed the hearing of the case on some technicality, and after the District Officer had left the area nothing more was done.

In the main the Administration presents a united front to the Ngoni, and the words and actions of each Administrative officer

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and is not to be treated as if he were the mere husband of a kinswoman. Indeed, all marital affairs of chiefs tend to have political significance; they are much discussed in the tribe and are the particular concern of senior lieutenants of counties. A recent incident illustrates how in relations with his affines a chief is bound by the instructions of his political advisers. A chief hit his wife while drinking beer in her brother's house. Her father reprimanded him. At a meeting held to discuss the quarrel, the county lieutenants and a kinsman of the chief, his father's deputy, ordered the woman's father to pay two beasts to the chief. The chief himself said nothing. A week or so later the man offered the beasts to the chief who said he did not want them. Just over a year later the chief's kinsman complained to the chief that the beast[12] had not been paid. The chief replied that he did not want the cattle and that at the meeting he had wanted his wife's father to be merely cautioned. His kinsman said that despite this he would call the lieutenants who had taken the original decision and get them to ask the woman's father why he had not paid. Hearing this, the man offered a beast which was accepted.[13]

Thus it is the chief in his position as head of a major segment and a county who is honoured with beer and whose marriages are protected, and not the chief as a bibulous aristocrat. The chief himself does not drink all, or even any, of the beer presented to him but he is responsible for dispensing it. A chief who acts like a commoner and wanders through his villages seeking beer risks the reprimands of his lieutenants, for it is difficult to refuse a chief beer under those conditions. A chief should not visit his people's villages unless they invite him, or unless he has at least warned them of his intention.

The gifts received by a chief from returned labour migrants are sometimes cited as a modern form of tribute, but while these presents may be more expensive in pecuniary terms than beer, they do not have the same great social importance. The shirt or hat presented by a man recently back from Southern Rhodesia may bring him favourable attention from the chief, but the present is made by an individual and arises from his own political aspirations. So far as I could tell, such presents are not effective as bribes. On the other hand, the presentation of beer is an affirmation of a relationship between a social group, often a village or division, and a political office, and most of those affected directly

[12] At the meeting two beasts were asked for, but a year later only one beast was mentioned.

[13] cf. Barnes, *Marriage*, for the political significance of affinal ties.

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by this relationship participate in the presentation and consumption of the beer.

The religion of the Ngoni before the conquest was a cult of the Paramount Chief's ancestors. This cult has disappeared and all public religious activities are now conducted by members of the various Christian denominations, Roman Catholic, Dutch Reformed Church Mission, Anglican (U.M.C.A.), Seventh Day Adventist, and Watch Tower. There are a few adherents of other Christian sects who do not have churches in the Fort Jameson area and there are a few Moslems. There is little evidence to show how much the disappearance of the tribal religion has altered relations between the chief and his people. Most chiefs have some connexion with one or other mission, attend mission services from time to time and send their children to mission schools. The evangelists, deacons and elders of the churches act as leaders of the community in certain situations, particularly at funerals. Advancement within the ecclesiastical organization can be an alternative route to high status, but in most secular matters church leaders do not rival the chiefs. In church, chiefs are treated with respect and given seats of honour, while tribal and county meetings are usually opened with prayers led by a catechist or elder of the denomination to which the chief is attached.

The sanctions which people can use against their chiefs are diffuse rather than organized. If the conduct of a chief is regarded as outrageous, the senior lieutenants of his county segment and other traditionally important people may hold a small meeting in the chief's village and there rebuke him for his misbehaviour. If the chief has offended against one of his people, say by striking him, the lieutenants may tell the chief to pay a beast to the wronged man as damages. If it is a minor chief who is involved, the Paramount Chief is sometimes told of the matter and calls the minor chief to his village to reprimand or caution him. A chief who flouted the instructions of his lieutenants or Paramount in matters of this kind would lose a great deal of the support of his people on which his position ultimately depends. The common people themselves cannot take much direct action against a chief of whose actions they disapprove, but they can gradually drift away from him into other counties and they can refrain from sending him gifts of beer or from answering his calls for labour, and they may show their disapproval by not saluting him in the traditional manner. The Paramount Chief alone is saluted with the word 'Baiyete',[14] a salutation which symbolizes his former position as head of an

[14] cf. Zulu *Bayede*.

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independent group of Ngoni. Chibambo mentions how the use of this salutation was discontinued when the head of an erstwhile independent group rejoined his parent group.[15] In recent times people have indicated their disapproval of the Paramount Chief's actions by discontinuing this salutation temporarily.

Despite the security of tenure provided by Administrative recognition, a chief still needs the support of his people. There is an Ngoni maxim, 'chieftainship is people',[16] and commoners are well aware that it is because they support their chief that he has high status. The simplest and most effective sanction that commoners can employ against their chief is to leave him. Movement from one county to another, from one tribe to another, and from the county to the town and back again is crucial in the working of modern Ngoni society. Not all these movements take place as the result of the unpopularity of chiefs, but this is one factor among many. Chibambo records an early example of people moving to segment 8 from the residue of segment 1 in order to share the hospitality of a newly appointed chief, but he goes on to say 'afterwards they found it wise to return to their proper division [segment]'.[17] In more recent times there are several examples, particularly among villages which entered Ngoniland after 1898 and who therefore largely lack segmental affiliation, of villages and clusters that have changed from one county to another for political reasons. More significant at the present time are the numbers of ambitious people who emigrate to the towns because, among other things, they cannot find advancement in the political hierarchy. The most striking instance of this is in the family of the late Mpezeni II. He had six sons who survived him: One is now Paramount Chief, and one is still a boy. The other four, including the chief's deputy, are town-dwellers in other parts of Africa.

5. *Royal hunts*

The royal hunt is the only occasion on which a county, or more usually a rural district or part of a county, functions as an economic unit. Even then the economic element in the enterprise is not very marked. The chief announces, through his messengers, that on such-and-such a day he will hold a royal hunt and that the men of such-and-such villages are to meet in a certain place. The procedure followed on the hunt is exactly the same as on an ordinary hunt, with the chief or someone nominated by him in tactical command, though the number of hunters is greater than on a hunt

[15] Chibambo, *My Ngoni*, p. 36. [16] *Ufumu ni watu.*
[17] Chibambo, *My Ngoni*, p. 35.

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rule as a Native Authority Order.[26] Thus the chiefs preferred to appear as legislators enforcing their own laws rather than as the judicial agents of the Administration.

Besides the Administration, other groups external to the indigenous system endeavour to influence the action of the courts. Thus missions work through chiefs to try to prevent the granting of divorces in the courts, traders endeavour to get their disputes with Africans heard in Native Courts rather than in those of the Administration, and farmers request courts to hear promptly cases which concern their employees.

Occasionally the Ngoni chiefs meet together with their people and formally make a new law. This appears to have happened about once in each decade. Yet in the courts new decisions are constantly being taken since the circumstances in which disputes arise are continually altering. The way in which these decisions are imposed throws light on the position of the court within the county, for many of these new decisions, precedents as we would call them, are introduced under the guise of a revival of some good but lately neglected tribal custom. There is no recorded corpus of Native law and custom which the Native Courts are empowered to enforce and, therefore, to say that a new decision is merely a revival of an established usage satisfies the requirements of the Administration, provided the usage is not 'repugnant to natural justice and morality'. On the other hand, it enables the court members to legislate without referring the matter to a meeting of the whole tribe or county, at which anyone would be free to speak his mind. Thus the group of persons who are in power in the court further entrench their position.[27]

9. *Moral and physical sanctions*

The counties and the tribe persist as social groups despite the ease with which their members may move away to other surroundings. The Native Authority remains in power, and its courts are full of litigants, despite the unequal distribution of privileges and rewards. In a general sense the system works because there are moral as well as physical sanctions behind the rulings of the court. There is general agreement about the rights and wrongs of the actions with which the courts have to deal, and it is this that in the end usually makes a man pay damages and fines that have been awarded against him rather than the threat of the Administration's force behind the court. The decisions of the courts are subject to

[26] *African Affairs, report*, 1948, p. 47.
[27] For a further analysis of this legislative process, see my paper, 'History'.

1:Barnes E-5 (1946-1949) 1954 FR5 Ngoni FR5
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review by the Administration, but in practice the cases are so numerous, the written account of them so brief, and often the handwriting of the record so bad, that it is difficult to make an adequate review. The Administration is able to keep some check on the financial transactions of the courts, and convictions for embezzlement are not uncommon; but the Administration does not greatly influence the decisions taken by the courts nor their enforcement. For though there are police on the lorry routes and crocodiles in the rivers, it is fairly easy for a determined man (or woman) who is dissatisfied with the treatment he has received in the courts to get away. He can usually get to a White farm or to a town, and once there it is not so easy to get him back. Men are not continually running away from the courts, for they usually accept decisions given against them, though appeals from a minor chief's court to the Ngoni Appeal Court are fairly common. Few people take their appeals further to the District Officer, and I have never heard of a case going on appeal beyond the Provincial Commissioner's Court.

The general moral approval by the people of the work of the courts which lies behind much of the effectiveness of the Native Court system does not extend automatically to all legal action as such. There is no widely held view that the decisions of the courts must be supported merely because they are the decisions of the courts. Some courts are good, some bad; and some decisions are good, some bad. The great majority of cases that come before a county court are brought by men and women living within the county, but sometimes a litigant begins his suit in a county court not his own, particularly in the Paramount Chief's county court, if he thinks that he will get a better hearing there. Yet chiefs support each other and a case brought before a chief by litigants from another county are sometimes thrown out, in accordance with the Native Courts Ordinance.

There is little moral sanction attaching to legal procedures, or methods of appeal, or even to the particular sums awarded as damages. The members of courts tend in the main to uphold each other's decisions, so that there is a fair amount of conformity throughout the ten counties. All those who work in courts have in fact an interest in increasing the power of the court system, which the people as a whole have not. Disputants will settle out of court if they can, for it is not so far to walk and the whole process is not so disruptive of social ties, but members of a court will sometimes challenge the right of independent arbitrators, village headmen and the like, to come to any binding decisions.

2: Read E-5 (1935-1939) 1956
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561 with the main activities of the groups, though it did to some extent illustrate mutual relationships.

	Age-Set terms	
	Northern Ngoni	*Central Ngoni*
[184 All children	*abantwana*	*ana*
104] Young men even if married	*amajaha*	*anyamata*
Young girls before puberty	*inhlakazana*	*mabutho*
Young girls past puberty	*intombi*	*anamali*
All married women	*abafazi*	*akazi*
Senior men	*amadoda*	*madoda*
Senior women	*amawisa*	*manina*

513 561 866 One of the most characteristic forms of Ngoni village organization was the *lawesi*, or boys' dormitory. It included the older boys in the group called 'children' and the young men until they married, who were in fact called *amajaha* after they had left the *lawesi* and married and had huts of their own. The age for entering the *lawesi* was approximately seven years, and was as a rule determined by the age when a child began to get his second teeth. When a child was going about the village with several gaps in his front teeth, his companions jeered at him if he still slept in his grandmother's hut, and his father took the view that it was time he stopped playing like a child and took up seriously the job of herding goats and calves. There was often some hesitation, especially among boys who were not so well grown for their age, at taking the plunge and going to live in the *lawesi*, since once made the step could not be retraced. It was primarily an individual decision. It meant leaving the protective affectionate care of the grandmother in the evenings, and the care-free play all day round the mother's hut with meals provided by her, for a different sort of existence altogether. *Lawesi* life was rigorous and was dominated by the senior boys living in the hut. The younger ones were at their mercy, and were made to 'fag' for their elders, clean up the hut, sometimes steal food from their mothers' stores, and were beaten if they were slow or careless, or if they threatened to tell the elders in the village what went on in the *lawesi*. The main weapon to get boys into the *lawesi* was the ridicule of their fellows. Once members of the *lawesi* group they were disciplined into obedience by threats and beating. The age range within a *lawesi* was often considerable, from seven to seventeen years.

● [626]

233 857 561 All the boys in a *lawesi* who were members of houses possessing cattle—and this as a rule included all sons of Ngoni families of trans-Zambesi clans—had to take part in herding. Cattle-herding was a responsible task and could be an arduous one. The boys got up before dawn, opened the gate of the kraal, and took the cattle to water. They milked the cattle on an open space near the village and carried the milk in wooden jars, gourds or petrol tins to the owner of the cattle, keeping

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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to the kin of the married couple however much the kin may intervene in the marriage and act on behalf of the couple.

The belief in the occurrence of such diseases as *mdulo* and *lugola* supports the values of Ngoni society, and acts as a check on behaviour which is wrong in Ngoni eyes. Beliefs in the efficacy of medicines do not have such a straightforward moral connotation, for in theory it is as easy for a man to harm the wife of someone else by the use of medicines, or for a woman to harm her co-wife, as it is for a man to harm his cuckold. Medicines can, therefore, be used for good or ill, depending on the intentions of those who manipulate them. Even the possibility of anti-social manipulation of medicines can, however, have a positive effect, as we have seen in the way in which a wife is encouraged to live demurely without attracting the attention of other men, lest when she spurns their advances they retaliate with medicines to harm her in childbirth. Old people like to maintain that in 'the time of peace' the Ngoni did not use medicines at all, although from what we know of the Zulu and other South-Eastern Bantu tribes from which the Ngoni came, this is almost certainly untrue. 'Our spears were our medicines', they say, meaning that when the state was powerful both internally and in relation to their neighbours, law and order and the wishes of the Paramount Chief could be enforced by physical sanctions. Only now, when the chieftainship has lost so much of its former power and men and women can do wrong without fear of punishment in the courts, is it necessary to fall back on mystical processes in an attempt to control other people's behaviour. By contrast the mystical diseases which can only be caught through socially disapproved actions operated at both stages of Ngoni history, although *mdulo* itself, unlike *lugola* and other similar conditions, appears to have been introduced by the Cewa.[1]

To a lesser extent the fear of venereal disease may be said to act as a stabilizing factor, since men admit that they are cautious in running after women on farms, in Fort Jameson and away in the big towns, because they fear syphilis. In the village an infected woman, if she cannot conceal her condition, is shunned by careful men, and a newcomer to the village who starts to flirt with her may be taken aside by an older man and warned of the risk of infection. It is an actionable offence for one partner in a marriage to transmit venereal disease to the other. Venereal disease is, however, commonly believed to be widespread and the fear of it cannot be said to be an efficient deterrent of adultery.

Despite the mystical safeguards and despite the fairly well defined rights *in uxorem*, marriage is not regarded as a permanent bond. There is a maxim 'Never confide in your wife, for tomorrow you may divorce her.' Consanguinity is permanent and unchangeable and a man should confide in a brother rather than in his wife. The

[1] Cf. Read, op. cit. 'The moral code . . .', p. 7.